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10/750,889	01/05/2004	Tatsunori Kanai	246713US-2CONT	2074
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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER MIZRAHI, DIANE D	
			ART UNIT	PAPER NUMBER
			2165	
			NOTIFICATION DATE	DELIVERY MODE
			09/22/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/750,889	<b>Applicant(s)</b> KANAI ET AL.	
	<b>Examiner</b> DIANE MIZRAHI	<b>Art Unit</b> 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

Claims 1-9 are pending and are presented for examination. This office action is in response to the amendment filed June 10, 2008. Based on the amendment submitted June 10, 2008, a new office action is issued below:

Examiner formally withdraws the rejection under 35 USC 101, due to the amendments to the claims.

Examiner notes that Applicant has made minor typographical changes which does not expressly change the scope of the claims. Examiner acknowledges these changes and incorporates them in the new office action below:

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the

requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Roy Aaron Underwood (US Patent No. 6,523,027 B1 date filed July 30, 1999, and Underwood hereafter).

Regarding Claim 1, Underwood teaches resource management system to be used in a management system for applying operations on data outputted from a data storage system (i.e. table of codes) (Figure 1B, element #144 and 146) and providing data to a processing of an application program, the resource management system (i.e. controller) (Figure 8B) comprising:

A memory unit configured to store (Figure 1A, elements 116 and 114) a plurality of data operation modules (i.e. code modules) (Figure 145A, element 14506) configured to operate data which have different operation functions (i.e. software modules) (Figure 93A, elements 9302 to 9312)

a resource managing operation unit (i.e. controller) (Figure 8B) or (i.e. back end system) (Figure 1D, element 164) (Detailed Description, paragraphs: 11 I, 1176, 1178,

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1181) having a data operation module stored management table (i.e. stored in a database server) (Figure 9B) (Detailed Description, paragraphs: 42, 142, 285 )

to be used at a time of combining (i.e. javascript actions capable of being executed) (Figure 20, item 2008) the plurality of data operation modules (Detailed Description, paragraphs: 12, 16, 28,279 ),

the resource manager configured to receive a data operation request from the application program , refer the data operation module management table (Detailed Description, paragraphs: 42, 142, 285 )

select and combine necessary data operation modules selected and combined data operation modules to the application program (i.e. attaching javascript actions capable of being executed) (Figure 20, item 2008) such that the application program (i.e. Javascript) (Figure 20, item 2008) (see also generate javascript) (Figure 20B) can carry out a desired operation using the selected and combined modules (Detailed Description Text (paragraph 995)

necessary data operation modules of the plurality of data operation modules (Detailed Description, paragraphs: 2568 and 3557 ).

In regards to the newly added limitations - - *memory unit configured to store and application program* - -

Underwood teaches memory unit configured to store (Figure 1A, elements 116 and 114) and application program (i.e. software modules) (Figure 93A, elements 9302 to 9312).

Regarding Claim 2, Underwood teaches a plurality of resource operation module managers each configured to manage one or more corresponding data operation-modules of the plurality of data operation modules respectively (Detailed Description, paragraphs: 42, 142, 285 ).

Regarding Claim 3, Underwood teaches wherein the resource operation module management table records a correspondence between a name of each of the plurality of data operation modules and a pointer to one of the plurality of data operation module managers that manages the one or more corresponding data operation modules (Detailed Description, paragraphs: 44, 49, 51, 129, 2078).

Regarding Claim 4, the rejection of claims above respectively, are fully incorporated and are similarly rejected along the same rationale above. In addition,

Underwood teaches receiving a data operation request from the application program; (i.e. application somewhere where it can be accessed by subsequent programs) (Detailed Description, paragraph 657); referring to a data operation module management table which is used at a time of combining the data operations modules (Detailed Description Text (paragraph 995) ; and selecting and combining data operation modules such that the application program can carry out a desired operation by using the selected and combined data operation modules (i.e. reads on making changes and save as necessary) (Detailed Description Text (paragraph 995).

In regards to the newly added limitations - - *memory unit configured to store and application program* - -

Underwood teaches memory unit configured to store (Figure 1A, elements 116 and 114) and application program (i.e. software modules) (Figure 93A, elements 9302 to 9312).

Regarding Claim 5, Underwood teaches managing one or more corresponding data operation modules respectively at data operation managers (i.e. Detailed Description) (Paragraph Table paragraph 37).

Regarding Claim 6, Underwood teaches wherein the data operation module management table records a correspondence between a name of each data operation module and a pointer to a data operation module manager that manages that data operation module (i.e. reads on a database) (Detailed Description Paragraph Table), (paragraph 36).

Regarding Claim 7, the rejection of claims above respectively, are fully incorporated and are similarly rejected along the same rationale above. In addition, Underwood teaches a computer program product for causing a computer to function as

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a resource management system to be used in a data management system having a plurality of data operation modules configured to operate data which have different operation functions, for applying operations on data outputted from a data storage system and providing data to a processing of an application program, the computer program product comprising:

a data operation request from the application program (Detailed Description, paragraph 657);

referring a data operation module management table which is used at a time of combining the plurality of data operation modules (Detailed Description Text (paragraph 995);

selecting and combining necessary data operation modules and output the selected and combined data operation modules such that the application program can carry out a desired operation by combining necessary data operation modules of the plurality of data operation modules (Detailed Description Text (paragraph 995).

In regards to the newly added limitations - - *memory unit configured to store and application program* - -

Underwood teaches memory unit configured to store (Figure 1A, elements 116 and 114) and application program (i.e. software modules) (Figure 93A, elements 9302 to 9312).



Regarding Claim 8, the rejection of claims above respectively, are fully incorporated and are similarly rejected along the same rationale above. In addition, Underwood teaches managing one or more corresponding data operation modules of the plurality of data operation modules respectively at each of a plurality data operation managers (i.e. configuration management repositories) (Detailed Description Text (paragraph 481)).

Regarding Claim 9, Underwood teaches wherein the data operation module management table records a correspondence between a name of each of the plurality of data operation modules and a pointer to one of the plurality of data operation module managers that manages the one or more corresponding data operation modules (i.e. reads on a database) (Detailed Description Paragraph Table), (paragraph 36).

Examiner's comments:

1. Applicant stated that Underwood does not disclose a memory unit. Examiner disagree. See Underwood's RAM and ROM, (Figure 1A).

2. Applicant's data operation modules can be Underwood's (i.e. software modules) (Figure 93A, elements 9302 to 9312).

3. Applicant's resource managing operation unit can be Underwood's (i.e. controller) (Figure 8B).

4. Also, Examiner notes that Applicant's computer readable medium is not described in Applicant's specification, such that computer readable lacks of antecedent basis in Applicant's specification.

Claims 1-9 are clearly taught by the prior art made of record and are not allowable at this time. This action is made final.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

**Communication**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diane D. Mizrahi whose telephone number is 571-272-4079. The examiner can normally be reached on Monday-Thursday (9:30 - 4:30 p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christian Chase can be reached on (571) 272-4190. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 305-3900 for After Final communication.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

/Diane Mizrahi/

*Diane.Mizrahi@USPTO.gov*  
Primary Patent Examiner  
Technology Center 2100

September 1, 2008